

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES ST. LOUIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 06-236-SLR
	)	
LT. CHERYL MORRIS, et al,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS' ANSWER TO THE AMENDED COMPLAINT**

COME NOW Defendants Sheryl Morris, Christopher Klein, Michael Knight, Harry Legates, Eric Lehman, Edwin Johnson, and Mary Boring ("Defendants"), by and through the undersigned counsel, and hereby answer the Amended Complaint [D.I. 13]:

**Motion for Leave to File an Amended Complaint**

1. No response to this paragraph is required.
2. No response to this paragraph is required.
3. Denied that Defendants retaliated against Plaintiff or violated his Eighth Amendment rights. Because, pursuant to Court Order [D.I. 15] dated December 15, 2006, Plaintiff's due process claim was dismissed, no response is required with respect to any allegations pertaining to Plaintiff's "due process rights."
4. Denied that Defendants violated Plaintiff's constitutional rights. Because, pursuant to Court Order [D.I. 15] dated December 15, 2006, Plaintiff's due process claim was dismissed, no response is required with respect to any allegations pertaining to Plaintiff's "due process" rights.

5. No response to this paragraph is required. To the extent that a response is required, it is denied that Defendants have any liability to Plaintiff.

6. No response to this paragraph is required. To the extent that a response is required, it is denied that Plaintiff is entitled to injunctive or any other relief. It is further denied that Plaintiff has standing to present claims on behalf of other inmates.

7. No response to this paragraph is required. To the extent that a response is required, it is denied that Defendants have retaliated against Plaintiff or anyone else. It is further denied that Plaintiff has standing to present claims on behalf of other inmates.

8. No response to this paragraph is required. To the extent that a response is required, it is denied that plaintiff is entitled to compensatory, punitive, lost wages or any other damages or relief.

Exhibit A

[9.]<sup>1</sup> As to sentence beginning “The basic problem:” Denied.

[10.] As to sentence beginning “At the meeting:” Denied.

[11.] As to sentence beginning “1<sup>st</sup> cook Govan:” Denied.

[12.] As to sentence beginning “On 3/19/05:” Denied.

[13.] As to sentence beginning “1<sup>st</sup> we had to give:” Denied.

[14.] As to sentence beginning “She also asked:” Denied.

[15.] As to sentence beginning “She informed us:” Denied.

[16.] As to sentence beginning “Govan and St. Louis:” Denied.

[17.] As to sentence beginning “Since then:” Denied.

[18.] As to sentence beginning “Those who paid:” Denied.

[19.] As to sentence beginning “St. Louis refused:” Denied.

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<sup>1</sup> [ ] references sentences in the Amended Complaint which are not numbered.

[20.] As to sentence beginning “2 weeks before:” Denied.

[21.] As to sentence beginning “Govan asked:” Denied.

[22.] As to sentence beginning “St. Louis left:” Denied.

[23.] As to sentence beginning “Govan returned:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[24.] As to sentence beginning “St. Louis has brought:” Denied.

[25.] As to sentence beginning “2 week earlier:” Admitted that on December 7, 2005 Defendant Boring prepared an incident report which stated that Plaintiff engaged in the following violations: Lying and Abuse of Privileges.

[26.] As to sentence beginning “On 12/8/05:” Admitted that Plaintiff was interviewed by Defendant Morris in connection with the disciplinary charges of Lying and Abuse of Privileges. Defendants are without sufficient information to admit or deny the remaining allegations set forth in this sentence.

[27.] As to sentence beginning “It was St. Louis’:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[28.] As to sentence beginning “He entered:” Admitted that Plaintiff was interviewed by Defendant Morris in connection with the disciplinary charges of Lying and Abuse of Privileges.

[29.] As to sentence beginning “Still no information:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[30.] As to sentence beginning “On leaving:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[31.] As to sentence beginning “The next day:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[32.] As to sentence beginning “St. Louis did:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[33.] As to sentence beginning “He said:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[34.] As to sentence beginning “St. Louis proceeded:” Admitted that after Plaintiff was terminated, he spoke with Defendant Lehman to ask why he had been terminated. Defendants are without sufficient information to admit or deny the remaining allegations set forth in this sentence.

[35.] As to sentence beginning “St. Louis asked:” Admitted that after Plaintiff was terminated, he spoke with Defendant Lehman to ask why he had been terminated. Defendants are without sufficient information to admit or deny the remaining allegations set forth in this sentence.

[36.] As to sentence beginning “He said he would contact:” Admitted that after Plaintiff was terminated, he spoke with Defendant Lehman to ask why he had been terminated. Defendants are without sufficient information to admit or deny the remaining allegations set forth in this sentence.

[37.] As to sentence beginning “About 45 minutes:” Admitted that Defendant Lehman advised Plaintiff that he had been terminated from his employment for Lying. Defendants are without sufficient information to admit or deny the remaining allegations set forth in this sentence.

[38.] As to sentence beginning “I asked Lt. Lehman:” Denied.

[39.] As to sentence beginning “He also said:” Denied.

[40.] As to sentence beginning “As I was getting:” Because, pursuant to Court Order [D.I. 15] dated December 15, 2006, Plaintiff’s due process claim was dismissed, no response is required with respect to any allegations pertaining to Plaintiff’s “due process” rights. The remaining allegations set forth in this sentence are denied.

[41.] As to sentence beginning “St. Louis wrote letters:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[42.] As to sentence beginning “And an investigation:” Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

[43.] As to sentence beginning “This is the end:” No response is required.

#### **RELIEF**

44. It is specifically denied that Plaintiff is entitled to compensatory, punitive or any monetary damages.

45. It is specifically denied that Plaintiff is entitled to injunctive, declaratory or any other relief.

#### **DEFENSES**

46. Plaintiff has failed to state a claim upon which relief can be granted.

47. Plaintiff has failed to exhaust his administrative remedies.

48. Defendants are immune from liability under the Eleventh Amendment.

49. Defendants are entitled to qualified immunity.

50. As to any claims under state law, Defendants are entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001, *et seq.*

51. As to any claims under state law, Defendants are entitled to sovereign immunity.

52. Insufficiency of service of process.

53. Insufficiency of process.

54. Lack of jurisdiction over the person and subject matter.

55. Lack of standing to present claims on behalf of other individuals.

WHEREFORE, Defendants respectfully request that judgment be entered in their favor and against Plaintiff as to all claims and that attorney fees be awarded to them.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly  
Eileen Kelly, I.D. #2884  
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Attorney for Defendants

Date: March 23, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2007, I electronically filed *Answer to the Complaint* with the Clerk of Court using CM/ECF. I hereby certify that on March 23, 2007, I have mailed by United States Postal Service, the document to the following non-registered party: James St. Louis.

/s/ Eileen Kelly  
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